

REMARKS

Careful review and examination of the subject application are noted and appreciated.

SUPPORT FOR THE CLAIM AMENDMENTS

Support for the claim amendments may be found in the specification, for example, on page 12, lines 18-29, page 18, line 23 - page 19, line 9, page 23 line 14 - page 24 line 7, page 24 lines 28-33, page 30 lines 3-6, and FIGS. 1, 5, 6, 7, 10, and 23A, as originally filed. Thus, no new matter has been added.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The rejection of claims 70, 71, 77, 110, 112, 116, 117, 120, 123, 126, 127, 132-134, 137-140, 142, 145, 148-151, 153, 155, 156, 158, 161, 163, 163, 164, 166, 169, 170, 173, 175, 176, 178, 181, 183, 184, 186 and 189 under 35 U.S.C. §103(a) over Fu et al. '625 (hereafter Fu) in view of Lee '275 and Kirk et al. '238 (hereafter Kirk) has been obviated in part by amendment, is respectfully traversed in part, and should be withdrawn.

The rejection of claims 76, 113, 136, 159 and 179 under 35 U.S.C. §103(a) as being unpatentable over Fu, Lee and Kirk in further view of Beckers '974 has been obviated in part by amendment, is respectfully traversed in part, and should be withdrawn.

The rejection of claim 114 under 35 U.S.C. §103(a) as being unpatentable over Fu, Lee, Kirk and Beckers in further view of Dessertine '172 has been obviated in part by amendment, is respectfully traversed in part, and should be withdrawn.

The rejection of claim 185 under 35 U.S.C. §103(a) as being unpatentable over Fu, Lee and Kirk in further view of Dessertine '172 has been obviated in part by amendment, is respectfully traversed in part, and should be withdrawn.

The rejection of claims 111, 118, 121, 122, 130, 143, 144, 150, 152, 157, 162, 172, 177 and 182 under 35 U.S.C. §103(a) as being unpatentable over Fu, Lee and Kirk in further view of Fujimoto '821 has been obviated in part by amendment, is respectfully traversed in part, and should be withdrawn.

The rejection of claim 165 under 35 U.S.C. §103(a) as being unpatentable over Fu, Lee, Kirk and Fujimoto in further view of Dessertine has been obviated in part by amendment, is respectfully traversed in part, and should be withdrawn.

The rejection of claims 119, 131, 141, 154 and 174 under 35 U.S.C. §103(a) as being unpatentable over Fu, Lee and Kirk in further view of the Official Notice 1 has been obviated in part by amendment, is respectfully traversed in part, and should be withdrawn.

The rejection of claims 135, 160 and 180 under 35 U.S.C. §103(a) as being unpatentable over Fu, Lee and Kirk in further view

of the Official Notice 2 has been obviated in part by amendment, is respectfully traversed in part, and should be withdrawn.

Fu concerns a personal health monitor (Title). Lee concerns a home medical surveillance system (Title). Kirk concerns a health support system (Title). Beckers concerns a diabetes management system and apparatus (Title). Dessertine concerns a patient compliance and status monitoring system (Title). Fujimoto concerns a home medical system and medical apparatus for use therewith (Title). Official Notice 1 is taken that the use of personal identification numbers to authorize users to access systems, programs and stored data on computers is well known in the computer arts. Official Notice 2 is taken that the use of program cartridge to program handheld devices is well known in the computer arts.

In contrast, the presently claimed invention provides a networked health-monitoring system generally comprising a plurality of remote patient sites, at least one central server and at least one computer. The remote patient sites generally correspond to a plurality of patients. Each of the remote patient sites may include (a) at least one display, (b) a data management unit configured to facilitate collection of patient health-related data, (c) at least one memory and (d) stored program instructions for generating health-monitoring related information on the display. The central server may be connectable for communication with the

data management unit at each of the remote patient sites. The computer may be remotely located from the remote patient sites, remotely located from the central server and configured for signal communication with the central server. The computer is generally configured to transmit particular information related to a particular one or more of the patients to the central server in response to a first input received from a healthcare professional. The central server may be configured to wait for one or more respective communication links to be established between the central server and the data management units. Each of the data management units may be configured to establish the respective communication link with the central server in response to a computer instruction commanding the remote patient site into a communications mode. The central server is generally configured to send the particular information to the remote patient sites of the particular patients in response to establishing the respective communication links. Each of the program instructions of the particular patients may be configured to generate a presentation of the particular information in response to (1) the particular patient commanding the remote patient site into a display mode and (2) interactive control inputs received from the particular patient. Each of the program instructions of the particular patients may also be configured to generate at least one message within the particular information on the displays in response to

the interactive control inputs. However, the references do not appear to teach all of the claim limitations. Therefore, *prima facie* obviousness has not been established.

Claims 70, 127, 149, 150 and 170 are independently patentable over the cited references. Claim 70 provides that (b) the central server is configured to wait for one or more respective communication links to be established between the central server and the data management units. Claims 127, 149, 150 and 170 provide similar language. In contrast, each of Fu, Kirk and Lee appear to be silent regarding a server waiting for communication links to be established. Therefore, the proposed combination does not appear to render obvious that the central server is configured to wait for one or more respective communication links to be established between the central server and the data management units, as presently claimed.

Claim 70 further provides that (c) each of the data management units is configured to establish the respective communication link with the central server in response to a computer instruction commanding the remote patient site into a communications mode. Claims 127, 149, 150 and 170 provide similar language. In contrast, each of Fu, Lee and Kirk appear to be silent regarding the establishment of communications links due to entering a communications mode. Therefore, the proposed combination does not appear to render obvious that each of the data

management units is configured to establish the respective communication link with the central server in response to a computer instruction commanding the remote patient site into a communications mode, as presently claimed.

Claim 70 further provides that (d) the central server is configured to send the particular information to the remote patient sites of the particular patients in response to establishing the respective communication links. Claims 127, 149, 150 and 170 provide similar language. In contrast, each of Fu, Lee and Kirk appear to be silent regarding transmission of information due to the establishment of communications links. Therefore, the proposed combination does not appear to render obvious that the central server is configured to send the particular information to the remote patient sites of the particular patients in response to establishing the respective communication links, as presently claimed.

Furthermore, page 3 of the Office Action asserts that Fu does not teach sending information from the central server to the remote patient sites. Page 3 of the Office Action also asserts that Fu teaches sending the information that is not sent in response to establishing the respective communication links. Since Fu teaches not sending the information, the assertion that not sending is done in response to establishing the communication links is a clear error. Furthermore, such dissection of the claim

language into small pieces is improper under MPEP 2106. The claims language must be considered as a whole. Therefore, *prima facie* obviousness has not been established.

Claim 70 further provides that (e) each of the program instructions of the particular patients is configured to generate a presentation of the particular information in response to (1) the particular patient commanding the remote patient site into a display mode and (2) interactive control inputs received from the particular patient. Claims 127 and 149. In contrast, each of Fu, Lee and Kirk appear to be silent regarding presentations in response to both a display mode and interactive controls. Therefore, the proposed combination does not appear to render obvious that each of the program instructions of the particular patients is configured to generate a presentation of the particular information in response to (1) the particular patient commanding the remote patient site into a display mode and (2) interactive control inputs received from the particular patient, as presently claimed.

Claim 70 further provides that (f) each of the program instructions of the particular patients is configured to generate at least one message within the particular information on the displays in response to the interactive control inputs. Claims 127 and 149 provide similar language. In contrast, each of Fu, Lee and Kirk appear to be silent regarding displaying a message within the

particular information. Therefore, the proposed combination does not appear to render obvious that each of the program instructions of the particular patients is configured to generate at least one message within the particular information on the displays in response to the interactive control inputs, as presently claimed.

Claim 150 further provides that each of the remote user sites has a plurality of modes selected one at a time by the first users through a menu shown on the display, the modes comprising (1) a monitor mode in which the data management unit monitors patient health-related data, (2) a display mode in which the patient health-related data is presented on the display, (3) an input mode in which patient data is manually entered via the buttons and (4) a communications mode in which a respective communication link is established by the data management unit to at least one central server. Claim 170 provides similar language. In contrast, each of Fu, Kirk and Lee appear to be silent regarding four similar modes selected one at a time from a menu. Therefore, the proposed combination does not appear to render obvious that each of the remote user sites has a plurality of modes selected one at a time by the first users through a menu shown on the display, the modes comprising (1) a monitor mode in which the data management unit monitors patient health-related data, (2) a display mode in which the patient health-related data is presented on the display, (3) an input mode in which patient data is manually entered via the

buttons and (4) a communications mode in which a respective communication link is established by the data management unit to at least one central server, as presently claimed.

Claim 150 further provides that (a) the computer is configured to transmit at least one material of (1) educational material and (2) motivational material related to a particular one or more of the first users to the central server in response to a first input received from a second user. Claim 170 provides similar language. In contrast, the Office Action does not cite any portion of Fu, Kirk or Lee in rejecting the claims. Therefore, *prima facie* obviousness has not been established.

Claim 150 further provides that (e) the computer is configured to cause the user-related data to be transmitted from the central server to the computer in response to a second input received from the second user. Claim 170 provides similar language. In contrast, each of Fu, Kirk and Lee appear to be silent regarding a transfer of user-related data between the central server and the computer in response to an input received from a second user. Therefore, the proposed combination does not appear to render obvious that the computer is configured to cause the user-related data to be transmitted from the central server to the computer in response to a second input received from the second user, as presently claimed. As such, the claimed invention is

fully patentable over the cited references and the rejections should be withdrawn.

Claims 71 and 128 are independently patentable over the cited references. Claim 71 provides that the message is selected from a set comprising an educational message, a motivational message, and one or more instructions. Claim 128 provides similar language. In contrast, each of Fu, Kirk and Lee appear to be silent regarding the set of messages. Therefore, *prima facie* obviousness has not been established and the rejections should be withdrawn.

Claims 110, 129, 156 and 176 are independently patentable over the cited references. Claim 110 provides that the system is further configured to transmit a specific one of the messages (within the particular information sent to the particular patients) only to a specific patient of the particular patients. Claims 129, 156 and 176 provides similar language. In contrast, each of Fu, Kirk and Lee appear to be silent regarding sending a message within particular information send to many patient to only one patient. Therefore, *prima facie* obviousness has not been established and the rejections should be withdrawn.

Claim 112 is independently patentable over the cited references. Claim 112 provides that the data management unit is physically separate from the display. In contrast, each of Fu, Kirk and Lee appear to be silent regarding the claimed structure.

Furthermore, FIG. 2 of Fu appears to show the alleged data management unit (Main CPU) 64 and the display unit 68 in the same housing. Therefore, *prima facie* obviousness has not been established and the rejections should be withdrawn.

Claims 120, 142 and 161 are independently patentable over the cited references. Claim 120 provides that the interactive control of the presentation of the particular information received from the central server utilizes at least one menu. Claim 142 and 161 provides similar language. In contrast, each of Fu, Kirk and Lee appear to be silent regarding interactively controlling a presentation using a menu. Therefore, *prima facie* obviousness has not been established and the rejections should be withdrawn.

Claims 123, 145 and 186 are independently patentable over the cited references. Claim 123 provides that the patient health-related data (gathered by the data management unit) includes user experienced symptoms. Claims 145 and 186 provide similar language. In contrast, each of Fu, Kirk and Lee appear to be silent regarding the data management unit gathering user experienced symptoms. Therefore, *prima facie* obviousness has not been established and the rejections should be withdrawn.

Claims 126, 148, 163 and 183 are independently patentable over the cited references. Claim 126 provides that (i) the system is further configured to load one or more programs from the central server into the memories and (ii) the programs are subsequently

executed at the remote patient sites. Claims 148, 163 and 183 provides similar language. In contrast, each of Fu, Kirk and Lee appear to be silent regarding downloading and execution of programs to the patient's site. Therefore, *prima facie* obviousness has not been established and the rejections should be withdrawn.

Claims 134, 158 and 178 are independently patentable over the cited references. Claim 134 provides that the display is a handheld device. Claims 158 and 178 provides similar language. In contrast, each of Fu, Kirk and Lee appear to be silent regarding a handheld display. Therefore, *prima facie* obviousness has not been established and the rejections should be withdrawn.

Claims 71, 76, 77, 110-123, 126, 128-145, 148, 151-166, 169, 171-186 and 189 depend, either directly or indirectly, from claims 70, 127, 150 or 170, which are now believed to be allowable. As such, the dependent claims are fully patentable over the cited references and the rejections should be withdrawn.

COMPLETENESS OF THE OFFICE ACTION

Aside from a notice of allowance, Applicant's representative respectfully requests any further action on the merits be presented as a non-final action.

No evidence or arguments were presented to the wherein element (a) educational and motivational material of claim 150 and the similar material in claim 170 as required by 37 CFR §1.104(b).

No sustainable evidence or arguments were presented for the rejections of the dependent claims 71, 110, 112, 120, 123, 126, 132, 133, 134, 142, 145, 148 and 184, which are not similar in scope to any of (i) the independent claims 70, 127, 149, 150 and 170, or (ii) the dependent claims 117, 138, 140, 169, 171, 173 and 189.

The rejection of claim 111 on pages 9 and 10 of the Office Action adds the Fujimoto references in order to argue language that is not actually in claim 111.

No sustainable evidence or arguments were presented for the rejections of the dependent claims 118, 121, 122, 139, 143, 144, 152, 157, 162, 172, 177 and 182, which are not similar in scope to any of (i) the independent claims 70, 127, 149, 150 and 170 or (ii) the dependent claims 117 and 138.

No sustainable evidence or arguments were presented for the rejection of dependent claims 131 which is not similar in scope to claim 119.

Furthermore, the rejection of independent claim 150 on page 10 of the Office Action for allegedly having similar scope as independent claim 150 appears to be a typing error. As such, the current Office Action is incomplete.

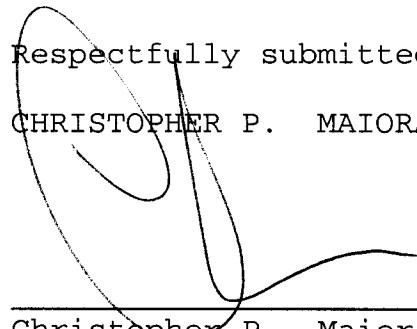
Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicant's representative at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit Account No. 50-0541.

Respectfully submitted,

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